

STATE OF MONTANA
BEFORE THE DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION

IN THE MATTER OF APPLICATION
FOR BENEFICIAL WATER USE PERMIT
NO. 2949-s40E, BY UNITED STATES
BUREAU OF LAND MANAGEMENT

FILMED

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER

APR 8 1990

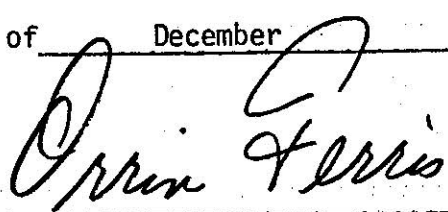
The Proposed Findings of Fact, Conclusions of Law, and Order in this matter as entered on October 10, 1975, by the Hearing Examiner, are hereby adopted as the Final Findings of Fact, Conclusions of Law, and the Final Order.

ORDER

1. The Applicant's Application for Beneficial Water Use Permit No. 2949-s40E is granted allowing the appropriation of 6.1 acre-feet per annum of water, to be impounded in a reservoir on an unnamed tributary of Dog Creek, at a point in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 14, Township 24 North, Range 31 East, M.P.M.

2. The permit is conditioned subject to the installation of an adequate drainage device to protect prior existing water rights, and that the permit is conditioned subject to all prior existing water rights.

Done this 12th day of December 1975.


Administrator, Water Resources Division
DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION

CASE # 2949



BEFORE THE DEPARTMENT
OF
NATURAL RESOURCES AND CONSERVATION OF
THE STATE OF MONTANA

IN THE MATTER OF APPLICATION
FOR BENEFICIAL WATER USE
PERMIT NO. 2949-s40E, UNITED
STATES BUREAU OF LAND MANAGEMENT

PROPOSAL FOR DECISION

Pursuant to the Montana Water Use and Administrative Procedure Acts, after due notice, a hearing was held June 11, 1975 at Malta, Montana for the purpose of hearing objections to the above-named application. At the hearing it was determined that the Objector, Mr. Ervin J. Crowder, did not have a point of diversion downstream from the proposed application and did not therefore, have a valid objection. Mr. Ervin J. Crowder agreed that he did not have a valid objection to this application and withdrew his objection. From the foregoing Proposed Findings of Fact and Conclusions of Law the Hearing Examiner hereby makes the following Proposed Order:

Proposed Order

1. That the Applicant's Application No. 2949-s40E be granted allowing the appropriation of 6.1 acre-feet per annum of water to be impounded in a reservoir on an unnamed tributary of Dog Creek at a point in the SE 1/4 of the NW 1/4 of the NE 1/4 of Section 14, T. 24 N., R. 31 E. M. P. M.

2. That the permit be conditioned subject to the installation of an adequate drainage device to protect prior existing water rights, and that the permit be conditioned Subject to all prior existing water rights.

NOTICE: This is a Proposed Order and will become final when accepted by the Administrator, Water Resources Division, Department of Natural Resources and Conservation. Written exceptions to this Proposed Order shall be filed with the Department within ten (10) days of receipt of same. Upon receipt of any written

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exceptions by the Department, opportunity will be afforded to file briefs and to make oral arguments before the Administrator of the Water Resources Division.

DATED this 10th day of October, 1975.

James A. Lewis
JAMES A. LEWIS
HEARING EXAMINER By: ABC

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